

FILED
HARRISBURG

MAR 22 2004

MARY E. D'ANDREA, CLERK
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TYRONE P. JAMES

Plaintiff,

v.

YORK COUNTY POLICE DEPARTMENT,
JAMES H. MORGAN, RICHARD PEDDICORD,
RAYMOND E. CRUAL, GENE FELS,
DET. KESSLER, CO. BAYLARK,
RANDY SIPES, BRIAN WESTMORELAND,
and DETECTIVE GLOWCZESKI
Defendants,

CIVIL ACTION NO. 1:01-CV-1015

(Judge Kane)

JURY TRIAL DEMANDED

RECEIVED

MAR 22 2004

PER
HARRISBURG, PA. DEPUTY CLMOTION TO RECONSIDER THE MAGISTRATE JUDGE MALACHY E. MANNIONORDER, DATED MARCH 11, 2004; DENIED PLAINTIFF'S MOTION FOR APPOINTMENT OF
COUNSEL AND TO VACATE JUDGMENT

AND NOW COMES, Plaintiff's, Tyrone p. James, moves this Honorable Court for reconsideration pursuant to 59(c) of the Federal Rules of Civil Procedure and Local Rules 7.10, District Court, of the Magistrate Judge Malachy E. Mannion order dated March 11, 2004, denying plaintiff's Motion For Appointment Of Counsel. Plaintiff's hereby represent:

1. On or around February 17, 2004, plaintiff's filed motion for appointment of counsel along with other motions.

2. On March 2, 2004, Defendants filed, "Memorandum In Opposition To Plaintiff's Motion For Appointment Of Counsel," in response to plaintiff's motion for appointment of counsel; which was received, by plaintiff's in the institutional mail on March 4, 2004, from Institutional Staffs. [See Exhibit A, receipt of mail received on March 4, 2004.]

3. Plaintiff's filed a responding Brief to defendants response on March 7, 2004, "Plaintiff's Objection To The Defendant's Memorandum In Opposition To Plaintiff Motion For Appointment Of Counsel."


4. The Magistrate without consideration of the Plaintiff's responding Brief, made a independent decision on his ruling, denying plaintiff's "MOTION

FOR APPOINTMENT OF COUNSEL," on past filing without considering this "Plaintiff Objection To The Defendant's Memorandum In Opposition To Plaintiff Motion For Appointment Of Counsel and Exhibits," presented to this Honorable Court on or around March 7, 2004. [See "Plaintiff's Objection To The Defendant's Memorandum In Opposition To plaintiff Motion For Appointment Of Counsel, and Exhibits, submitted to the Court and served upon Defendants].

WHEREFORE, Plaintiff's prays, that for the foregoing reasons and upon consideration of the Magistrate Order, dated March 11, 2004, denying plaintiff's appointment of counsel; this Court should reverse respectively, and plaintiff's Motion For Appointment Of Counsel, should be **Granted**. Plaintiff, therefore DEMANDED A JURY TRIAL.

March 15, 2004

Respectfully Submitted,

A handwritten signature in cursive script that reads "Tyrone James." The signature is written in dark ink and is positioned above the printed name.

Tyrone P. James

EX 9451

P.O. Box A

Bellefonte, PA 16823-0820

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TYRONE P. JAMES	:	
Plaintiff,	:	
	:	CIVIL ACTION NO. 1:01-CV-1015
v.	:	
	:	(Judge Kane)
YORK COUNTY POLICE DEPARTMENT,	:	JURY TRIAL DEMANDED
JAMES H. MORGAN, RICHARD PEDDICORD,	:	
RAYMOND E. CRUAL, GENE FELLOWS,	:	
DET. KESSLER, CO. BAYLARK,	:	
RANDY SIPES, BRIAN WESTMORELAND,	:	
and DETECTIVE GLOWCZESKI	:	
Defendants,	:	

CERTIFICATE OF SERVICE

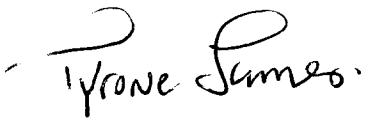
I, Tyrone P. James, Plaintiff's hereby certified that, I am this day serving a true and correct copy to assigned counsel's, "Motion To Reconsider The Magistrate Judge Malachy E. Mannion Order, dated March 11, 2004; denying plaintiff's Motion For Appointment Of Counsel, and Vacate Judgment and Exhibits," in the manner set forth below to the following:

BY FIRST CLASS U.S. MAIL:

Jason C. Giurintano
Office Of The Attorney General
15th Floor, Strawberry Square
Harrisburg, PA 17120

Donald L. Reihart
Law Offices Of Donald L. Reihart
3015 Eastern Boulevard
York, PA 17402

Kristin G. Hogue, SDAG
State Of California
Department Of Justice
Office Of Attorney General
110 West A Strret, Suite 1100
P.O. Box 85266
San Diego, CA 92166-5266



Date: March 15th, 2004

James, Tyrone P.

EX 9451
P.O. Box A
Bellefonte, PA 16823-0820.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

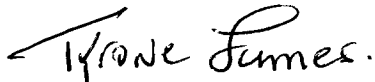
TYRONE P. JAMES	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 1:01-CV-1015
	:	
	:	(Judge Kane)
YORK COUNTY POLICE DEPARTMENT,	:	JURY TRIAL DEMANDED
JAMES H. MORGAN, RICHARD PEDDICORD,	:	
RAYMOND E. CRUAL, GENE FELLIS,	:	
DET. KESSLER, CO. BAYLARK,	:	
RANDY SIPIES, BRIAN WESTMORELAND,	:	
and DETECTIVE GLOWCZESKI	:	
Defendants,	:	

VERIFICATION

I, Tyrone P. James, verify, under penalty of perjury, that the foregoing "Motion To Reconsider The Magistrate Judge Malachy E. Mannion, Order, dated March 11, 2004; denying Plaintiff's Motion For Appointment Of Counsel, and Vacate Judgment and Exhibits," is true and correct to the best of my knowledge and belief, pursuant to 28 U.S.C. § 1746.

Respectfully Submitted,

Date: March 15, 2004.



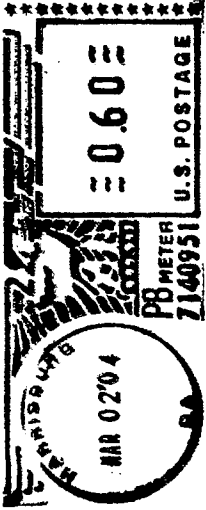
Tyrone P. James,

EX 9451

P.O. Box A

Bellevue, PA 16823-0820

OFFICE OF ATTORNEY GENERAL
COMMONWEALTH OF PENNSYLVANIA
STRAWBERRY SQUARE
HARRISBURG PA 17120
Jason C. Giurintano, DAG



STATE OF PENNSYLVANIA
DEPARTMENT OF REVENUE

Tyrone P. James, EX-9451
SCI Rockview
Box A
Bellefonte, PA 16823

MAR 02 2004

PAID 0.60
MAR 02 2004

16823+0420 04

SCI ROCKVIEW - POSTAGE RECEIPT

TO BE COMPLETED BY INMATE:

Office of The Clerk, United States District Court-M.D.
Person to whom mail is sent

Inmate Name	Number	Block	Date
Tyrone James	EX9451	BA	3-7-2004

TO BE COMPLETED BY MAILROOM:

Amount of Postage	1.29	Date	3/12/04
-------------------	------	------	---------

Signature MW

EXHIBIT "A"

1:01-CV-1015

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TYRONE P. JAMES)	
Plaintiff,)	
)	CIVIL ACTION NO.1:01-CV-1015
vs.)	
)	(Judge Kane)
YORK COUNTY POLICE DEPARTMENT,)	
JAMES H. MORGAN, RICHARD PEDDICORD,)	JURY TRIAL DEMANDED
RAYMOND E. CRAUL, GENE FELS,)	
DET. KISSLER, CO. BAYLARK,)	
RANDY SIPES, BRIAN WESTMORELAND,)	
and DETECTIVE GLOWCZESKI)	
Defendants.)	

CERTIFICATE OF SERVICE

I, Tyrone P. James, Plaintiff's hereby certified that, I am this day serving a true and correct copy to assigned counsels, "Motion For Reargument Of The Honorable Judge Kane Order Dated February 10, 2004; Denying Plaintiff's Motion For Reconsideration And Present The Following Exhibit In Violation Of His Due Process Right To Contact Counsel After Preliminary Arraignment," in the manner set forth below to the following:

By First Class U.S. Mail:

Jason C. Giurintano, DAG
Office Of Attorney General
Commonwealth Of Pennsylvania
15th Fl., Strawberry Square
Harrisburg, PA 17120

Donald L. Raihart
Law Office Of Donald L. Raihart
3015 Eastern Blvd., Suite 204
York, PA 17402.

Date: March 7, 2004.



Tyrone P. James
EX 9451
P.O. Box A
Bellefonte, PA 16823-0820

Name: **TYRONE JAMES**
Number: **EX9451**
Box A
Belleville, Pa. 16823

INMATE
PA DEPT OF
CORRECTIONS

RECEIVED

MAR 2 2004

PER
HARRISBURG, PA. DEPUTY CLERK

FILED
HARRISBURG

MAR 2 2 2004

MARY E. DANDREA, CLERK
Per
DEPUTY CLERK



Office of The Clerk
United States District Court
United States Courthouse
228 Walnut Street

P.O. Box 983
HARRISBURG PA 17008

